

Warner Chilcott (US), LLC, et al. v. Teva Pharmaceuticals USA, Inc., et al.,
No. 2:15-cv-01471-JRG-RSP (E.D. Tex.) (Lead Case)

Exhibit A
Plaintiffs' Proposed Constructions and Identification of Evidence

Claim Term	Plaintiffs' Proposed Construction	Supporting Evidence
“gelling agent” (claim 1)	No construction necessary; plain and ordinary meaning. To the extent this Court finds that a construction is necessary: “An agent that can gel a film composition comprising hydroxypropyl methyl cellulose as a base.”	’180 patent, claims 1–5, abstract, 1:36–67, 2:9–32, 2:54–57, 3:60–4:17, 4:54–5:22, 5:26–6:20, 6:29–36, and the figures and tables referenced therein [WCDELZ_00029723–26]; ’180 prosecution history, originally filed patent application, specification, claims, and abstract (April 13, 2000) [WCDELZ_00029770–84]; ’180 prosecution history, Information Disclosure Statement and references cited therein (April 13, 2000) [WCDELZ_00029787–94; WCDELZ_00029796]; ’180 prosecution history, Letter claiming priority under 35 USC 119 and foreign application cited therein (April 13, 2000) [WCDELZ_00029795; WCDELZ_00029797–811]; ’180 prosecution history, Information Disclosure Statement and references cited therein (October 23, 2000) [WCDELZ_00029812–67]; ’180 prosecution history, Non-final Office Action and references cited therein (August 13, 2001) [WCDELZ_00029868–94]; ’180 prosecution history, Amendment and Reply to Office Action (January 14, 2002) [WCDELZ_00029897–914]; ’180 prosecution history, Final Office Action and references cited therein (April 18, 2002) [WCDELZ_00029920–26]; ’180 prosecution history, Amendment and Reply to Office Action

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		<p>(August 19, 2002) [WCDELZ_00029929–34];</p> <p>'180 prosecution history, Non-final Office Action and references cited therein (November 15, 2002) [WCDELZ_00029950–55; WCDELZ_00029938–46];</p> <p>'180 prosecution history, Amendment and Reply to Office Action (May 15, 2003) [WCDELZ_00029958–73];</p> <p>'180 prosecution history, Declaration of Masaru Tanjoh (May 2, 2003) [WCDELZ_00029970–73];</p> <p>'180 prosecution history, Notice of Allowability (June 20, 2003) [WCDELZ_00029978–80];</p> <p>DORLAND'S ILLUSTRATED MEDICAL DICTIONARY 38 (29th ed. 2000) [WCDELZ_00029998–30000];</p> <p>U.S. Patent No. 5,431,917 (filed Sept. 1, 1993) [WCDELZ_00030096–100; WCDELZ_00029874–78];</p> <p>U.S. Patent No. 5,756,123 (filed Feb. 7, 1997) [WCDELZ_00030101–08];</p> <p>Japanese Patent No. 2,552,937 [WCDELZ_00029796; WCDELZ_00029790–94];</p> <p>N. Sarkar, <i>Thermal Gelation Properties of Methyl and Hydroxypropyl Methylcellulose</i>, 24 J. APPLIED POLYMER SCI. 1073 (1979) [WCDELZ_00030081–95];</p> <p>Nitis Sarkar, <i>Kinetics of thermal gelation of methylcellulose and hydroxypropylmethylcellulose in aqueous solutions</i>, 26 CARBOHYDRATE POLYMERS 195 (1995) [WCDELZ_00029518–26];</p>

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		<p>Jacques Desbrieres et al., <i>A calorimetric study of methylcellulose gelation</i>, 37 CARBOHYDRATE POLYMERS 145 (1998) [WCDELZ_00029430–37];</p> <p>Anwarul Haque & Edwin R. Morris, <i>Thermogelation of methylcellulose. Part I: molecular structures and processes</i>, 22 CARBOHYDRATE POLYMERS 161 (1993) [WCDELZ_00029458–70];</p> <p>Anwarul Haque et al., <i>Thermogelation of methylcellulose. Part II: effect of hydroxypropyl substituents</i>, 22 CARBOHYDRATE POLYMERS 175 (1993) [WCDELZ_00029471–82];</p> <p>James L. Ford, <i>Thermal analysis of hydroxypropylmethylcellulose and methylcellulose: powders, gels and matrix tablets</i>, 179 INT'L J. OF PHARMACEUTICS 209 (1999) [WCDELZ_00029438–57];</p> <p>Brian E. Jones, <i>Capsule standards</i>, in PHARMACEUTICAL CAPSULES 239 (Fridrun Podczeck & Brian E. Jones eds., 2d ed. 2004) [WCDELZ_00030034–54];</p> <p>B.E. Jones, <i>Capsule Standards</i>, in HARD CAPSULES: DEVELOPMENT & TECHNOLOGY 61 (K. Ridgway ed., 1987) [WCDELZ_00030074–80];</p> <p>B.E. Jones, <i>The History of the Gelatin Capsule</i>, in HARD CAPSULES: DEVELOPMENT & TECHNOLOGY 1 (K. Ridgway ed., 1987) [WCDELZ_00030062–73];</p> <p>Brian E. Jones, <i>The history of the medicinal capsule</i>, in PHARMACEUTICAL CAPSULES 1 (Fridrun Podczeck & Brian E. Jones eds., 2d ed. 2004) [WCDELZ_00030012–33];</p> <p>Brian E. Jones, <i>Gelatin alternatives and additives</i>, in</p>

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		<p>PHARMACEUTICAL CAPSULES 61 (Fridrun Podczeck & Brian E. Jones eds., 2d ed. 2004) [WCDELZ_00029499–517];</p> <p>U.S. Patent No. 2,526,683 (filed Apr. 13, 1946) [WCDELZ_00029527–32];</p> <p>U.S. Patent No. 4,001,211 (filed Oct. 1, 1975) [WCDELZ_00029533–40];</p> <p>U.S. Patent No. 5,698,155 (filed Jan. 24, 1995) [WCDELZ_00029541–69];</p> <p>P.A. Williams & G.O. Phillips, <i>Introduction to Food Hydrocolloids</i>, in HANDBOOK OF HYDROCOLLOIDS (G.O. Phillips & P.A. Williams eds., 1st ed. 2000) [WCDELZ_00030152–83];</p> <p>1 GARNET E. PECK ET AL., <i>Tablet Formulation and Design</i>, in PHARMACEUTICAL DOSAGE FORMS (Herbert A. Lieberman et al. eds., 2d ed. 1989) [WCDELZ_00030184–258];</p> <p>EDWARD M. RUDNIC & JOSEPH D. SCHWARTZ, <i>Oral Solid Dosage Forms</i>, in REMINGTON: THE SCIENCE AND PRACTICE OF PHARMACY (Alfonso R. Gennaro et al. eds., 20th ed. 2000) [WCDELZ_00030411–59];</p> <p>1 FRED J. BANDELIN, <i>Compressed Tablets by Wet Granulation</i>, in PHARMACEUTICAL DOSAGE FORMS (Herbert A. Lieberman et al. eds., 2d ed. 1989) [WCDELZ_00030259–340];</p> <p>1 ROBERT W. MENDES ET AL., <i>Chewable Tablets</i>, in PHARMACEUTICAL DOSAGE FORMS (Herbert A. Lieberman et al. eds., 2d ed. 1989) [WCDELZ_00030341–410];</p> <p>Plaintiffs will have an expert, Jason McConville, Ph.D., provide a</p>

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		<p>declaration or testify at the Markman hearing that Plaintiffs' proposed construction is consistent with the understanding that one of ordinary skill in the art at the time of the invention would have had of the disputed claim term in light of his experience in the field and the intrinsic and extrinsic evidence. Dr. McConville may also offer testimony, if necessary, to respond to or rebut Defendants' claim construction proposals, arguments, or expert testimony offered by Defendants.</p>
"gelling aid" (claim 1)	Any substance(s) that can promote gelation by the gelling agent."	<p>'180 patent, claims 1–5, abstract, 1:36–2:6, 2:9–49, 2:54–57, 3:20–32, 3:60–4:48, 4:54–5:22, 5:26–6:36, and the figures and tables referenced therein [WCDELZ_00029723–26];</p> <p>'180 prosecution history, originally filed patent application, specification, claims, and abstract (April 13, 2000) [WCDELZ_00029770–84];</p> <p>'180 prosecution history, Information Disclosure Statement and references cited therein (April 13, 2000) [WCDELZ_00029787–94; WCDELZ_00029796];</p> <p>'180 prosecution history, Letter claiming priority under 35 USC 119 and foreign application cited therein (April 13, 2000) [WCDELZ_00029795; WCDELZ_00029797–811];</p> <p>'180 prosecution history, Information Disclosure Statement and references cited therein (October 23, 2000) [WCDELZ_00029812–67];</p> <p>'180 prosecution history, Non-final Office Action and references cited therein (August 13, 2001) [WCDELZ_00029868–94];</p>

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		<p>B.E. Jones, <i>Capsule Standards</i>, in HARD CAPSULES: DEVELOPMENT & TECHNOLOGY 61 (K. Ridgway ed., 1987) [WCDELZ_00030074–80];</p> <p>B.E. Jones, <i>The History of the Gelatin Capsule</i>, in HARD CAPSULES: DEVELOPMENT & TECHNOLOGY 1 (K. Ridgway ed., 1987) [WCDELZ_00030062–73];</p> <p>Brian E. Jones, <i>The history of the medicinal capsule</i>, in PHARMACEUTICAL CAPSULES 1 (Fridrun Podczeck & Brian E. Jones eds., 2d ed. 2004) [WCDELZ_00030012–33];</p> <p>Brian E. Jones, <i>Gelatin alternatives and additives</i>, in PHARMACEUTICAL CAPSULES 61 (Fridrun Podczeck & Brian E. Jones eds., 2d ed. 2004) [WCDELZ_00029499–517];</p> <p>1 GARNET E. PECK ET AL., <i>Tablet Formulation and Design</i>, in PHARMACEUTICAL DOSAGE FORMS (Herbert A. Lieberman et al. eds., 2d ed. 1989) [WCDELZ_00030184–258];</p> <p>EDWARD M. RUDNIC & JOSEPH D. SCHWARTZ, <i>Oral Solid Dosage Forms</i>, in REMINGTON: THE SCIENCE AND PRACTICE OF PHARMACY (Alfonso R. Gennaro et al. eds., 20th ed. 2000) [WCDELZ_00030411–59];</p> <p>1 FRED J. BANDELIN, <i>Compressed Tablets by Wet Granulation</i>, in PHARMACEUTICAL DOSAGE FORMS (Herbert A. Lieberman et al. eds., 2d ed. 1989) [WCDELZ_00030259–340];</p> <p>1 ROBERT W. MENDES ET AL., <i>Chewable Tablets</i>, in PHARMACEUTICAL DOSAGE FORMS (Herbert A. Lieberman et al. eds., 2d ed. 1989) [WCDELZ_00030341–410];</p>

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		<p>Plaintiffs will have an expert, Jason McConville, Ph.D., provide a declaration or testify at the Markman hearing that Plaintiffs' proposed construction is consistent with the understanding that one of ordinary skill in the art at the time of the invention would have had of the disputed claim term in light of his experience in the field and the intrinsic and extrinsic evidence. Dr. McConville may also offer testimony, if necessary, to respond to or rebut Defendants' claim construction proposals, arguments, or expert testimony offered by Defendants.</p>
"hard capsule" (claims 1 and 4)	"A hard shell suitable for use in a pharmaceutical dosage form."	<p>'180 patent, claims 1–5, abstract, 1:6–2:6, 2:9–49, 2:54–3:7, 3:20–59, 4:4–5:22, 5:26–6:36, and the figures and tables referenced therein [WCDELZ_00029723–26];</p> <p>'180 prosecution history, originally filed patent application, specification, claims, and abstract (April 13, 2000) [WCDELZ_00029770–84];</p> <p>'180 prosecution history, Information Disclosure Statement and references cited therein (April 13, 2000) [WCDELZ_00029787–94; WCDELZ_00029796];</p> <p>'180 prosecution history, Letter claiming priority under 35 USC 119 and foreign application cited therein (April 13, 2000) [WCDELZ_00029795; WCDELZ_00029797–811];</p> <p>'180 prosecution history, Information Disclosure Statement and references cited therein (October 23, 2000) [WCDELZ_00029812–67];</p> <p>'180 prosecution history, Non-final Office Action and references</p>

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"hard capsule formed of a film" (claims 1 and 4)	"A hard shell suitable for use in a pharmaceutical dosage form, formed of a film."	<p>'180 patent, claims 1–5, abstract, 1:6–2:6, 2:9–49, 2:54–3:7, 3:20–59, 4:4–5:22, 5:26–6:36, and the figures and tables referenced therein [WCDELZ_00029723–26];</p> <p>'180 prosecution history, originally filed patent application, specification, claims, and abstract (April 13, 2000) [WCDELZ_00029770–84];</p> <p>'180 prosecution history, Information Disclosure Statement and references cited therein (April 13, 2000) [WCDELZ_00029787–94; WCDELZ_00029796];</p> <p>'180 prosecution history, Letter claiming priority under 35 USC 119 and foreign application cited therein (April 13, 2000) [WCDELZ_00029795; WCDELZ_00029797–811];</p> <p>'180 prosecution history, Information Disclosure Statement and references cited therein (October 23, 2000) [WCDELZ_00029812–67];</p> <p>'180 prosecution history, Non-final Office Action and references cited therein (August 13, 2001) [WCDELZ_00029868–94];</p> <p>'180 prosecution history, Amendment and Reply to Office Action (January 14, 2002) [WCDELZ_00029897–914];</p> <p>'180 prosecution history, Final Office Action and references cited therein (April 18, 2002) [WCDELZ_00029920–26];</p>

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